



Entered on Docket
April 12, 2011

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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Attorneys for Secured Creditor WELLS FARGO BANK, N.A. ALSO KNOWN AS
WACHOVIA MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A,
AND FORMERLY KNOWN AS WACHOVIA MORTGAGE FSB,
FORMERLY KNOWN AS WORLD SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

WILLIS R CALHOUN AND ANNETTE M
CALHOUN,

Debtor(s).

Bankruptcy Case No. BK-S-10-33081-mkn
Chapter 13

WELLS FARGO BANK, N.A. ALSO
KNOWN AS WACHOVIA MORTGAGE,
A DIVISION OF WELLS FARGO BANK,
N.A, AND FORMERLY KNOWN AS
WACHOVIA MORTGAGE FSB,
FORMERLY KNOWN AS WORLD
SAVINGS BANK, FSB'S ORDER
TERMINATING AUTOMATIC STAY
Date: March 9, 2011
Time: 1:30 P.M.

1 A hearing on Secured Creditor Wells Fargo Bank, N.A. also known as Wachovia
2 Mortgage, a division of Wells Fargo Bank, N.A, and formerly known as Wachovia Mortgage
3 FSB, formerly known as World Savings Bank, FSB's Motion for Relief From the Automatic
4 Stay came on regularly for hearing in the United States Bankruptcy Court before the Honorable
5 Mike K. Nakagawa, Matthew M. McArthur appearing on behalf of Secured Creditor.

6 The court having duly considered the papers and pleadings on file herein and
7 being fully advised thereon and finding cause therefor:

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

9 The automatic stay of 11 United States Code section 362 is hereby immediately
10 terminated as it applies to the enforcement by Movant of all of its rights in the real property
11 under the Note and Deed of Trust encumbering the real property commonly known as 9832 La
12 Vid Ct, Las Vegas, Nevada 89117-6697 ("Real Property"), which is legally described as:

13 SEE LEGAL DESCRIPTION ATTACHED
14 HERETO AS EXHIBIT A AND MADE A PART
15 HEREOF .

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or
17 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale
18 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days
19 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at
20 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the
21 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada
22 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to
23 provide 7 days' notice to the Debtor(s).

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may
25 offer and provide Debtors with information re: a potential Forbearance Agreement, Loan
26 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and
27 may enter into such agreement with Debtors. However, Movant may not enforce, or threaten to
28 enforce, any personal liability against Debtors if Debtors' personal liability is discharged in this
bankruptcy case.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of
2 this Order, the Trustee shall cease payment on Secured Creditor's Proof of Claim. Secured
3 Creditor's Proof of Claim is allowed in the amount of payments made to date by the Trustee.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
5 disposition of the Real Property, Secured Creditor may amend said Proof of Claim and share in
6 any distribution from the date of the filing of the amended Claim pursuant to the confirmed Plan.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee is
8 not required to recover previous distributions from other creditors for distribution on Secured
9 Creditor's amended claim. This may result in a percentage of payment on Secured Creditor's
10 amended Claim different than to other creditors.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall
12 be binding and effective and supersede any subsequently entered confirmation order that
13 confirms a Chapter 13 Plan of Reorganization providing for the treatment of Movant's claim.

14 APPROVED/DISAPPROVED APPROVED/DISAPPROVED

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16 DAVID KRIEGER KATHLEEN A. LEAVITT
17 DEBTOR(S) ATTORNEY TRUSTEE

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EXHIBIT "A"

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF LAS VEGAS COUNTY
OF CLARK, STATE OF NEVADA DESCRIBED AS FOLLOWS:

SITUATE IN THE COUNTY OF CLARK, STATE OF NEVADA DESCRIBED AS
FOLLOWS:

PARCEL I:

LOT ONE HUNDRED TWENTY-TWO (122) IN BLOCK (2) OF PECCOLE VILLAGE
BY SIGNATURE HOMES - UNIT 3, AS SHOWN BY MAP THEREOF ON FILE IN
BOOK 78 OF PLATS, PAGE 82, IN THE OFFICE OF THE COUNTY RECORDER
OF CLARK COUNTY, NEVADA.

PARCEL II:

A NON-EXCLUSIVE EASEMENT FOR INGRESS/EGRESS, USE, AND ENJOYMENT
OVER THOSE PORTIONS DELINEATED AS "COMMON AREA" AS SHOWN ON PLAT
OF SAID SUBDIVISION AND FURTHER DESCRIBED IN THAT CERTAIN AMENDED
AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS, RECORDED AUGUST 27, 1990 IN BOOK
900827 OF OFFICIAL RECORDS AS DOCUMENT NO. 00428.

FOR INFORMATION PURPOSES ONLY: THE APN IS SHOWN BY THE COUNTY
ASSESSOR AS 163-06-217-022; SOURCE OF TITLE IS 971218-00599
(RECORDED 12/18/97)

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ Approved.

☐ Disapproved.

☐ Failed to respond.

☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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Submitted by:

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